

**NOTICE OF HEARING  
TO GROUND WATER USERS AND PROPERTY OWNERS**

BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
ON PETITION FOR A CONTROLLED GROUND WATER AREA  
IN THE GREEN MEADOW AREA

A hearing before the Montana Department of Natural Resources and Conservation to consider the establishment of a controlled ground water area (CGWA) will be held at the Department of Health and Human Services Auditorium, 111 N Sanders, Helena, MT (Use the North Entrance). Part 1: April 16, 2007 beginning at 5:30 p.m. will be the hearing for Limited Parties. Part 2: April 17, 2007 beginning at 8:30 a.m. will be the hearing for Full Parties. Parties may attend and observe either hearing. This hearing will be held pursuant to Mont. Code Ann. §§85-2-506 and -507 (2005). This is a formal evidentiary hearing before a Department Hearing Examiner. The purpose of this hearing is to collect oral and written evidence relevant to the proposed designation of a CGWA in the Green Meadow area.

The proposed area is generally described as south of Silver Creek and north of Sevenmile Creek between Green Meadow Drive and the western edge of the Scratchgravel Hills. The legal land description for the general area is as follows:

Township 10 North, Range 4 West	All of sections 1, 2, 3, 10, 11, 12 NWNWNW of section 13 N2NENE of section 14
Township 11 North, Range 4 West	All of sections 22, 23, 25, 26, 27, 34, 35, 36 SESESE of section 24

See map for more precise proposed boundary.

The following individuals signed the petition: David and Toni Schneider, Margaret Thomas, Carina Zook, Pat Jense, William D West, Christian A Smith, Cindy Vader, Edwin Baum, Giles Walker, Kenneth McElroy, Phoebe Toland & Richard Notkin, Kathy Norris, Robert Balhiser, Lillian Brewster, Ronald Shields, Gilbert & Cheryl Wooden, Beverly Rankin, Charolette Spaulding, Dick Juvik, Michele Crum, Warren Norton, Nettie Harp, Samuel Alvey, William Giles, Christine Morales, Cory R Smith, Nancy Manger, Mary Ellen McDonald, Stephen P Weber, Susan Epstein, Paul D Szczepaniak, Howard Anderson, Bobbie J Elliot, Robert M Morris, Art Butler, James F Brown, Ruth L Anderson, Jay L Armstrong, Ernest O'Dell, Robert Braico, Barbara Ranf, Kenneth E Mitchell, R Scott Barnes, Alice E Gilbert, Joyce M Mahana, Keith E McCallum, Kim C Clark, Jack Wiseman, Susan Engle, Harold P & Marilyn Horn, Janis J Pocius, Kristin Baker, Reinhart H Kurtz, Sharon Henderson, Sandra Fowler, David A Dowling, Peggy Naegele, Etchie L Smith, Gordon Hage, Brad Eckert, Gary Nettleton, R Allan Payne, Margaret Smith, Diana Mercier, Mark S and Capri S Gray, and Marvel and Mark Weggenman.

Pursuant to Mon. Code Ann. §85-2-506(2), the Petitioners must allege facts showing:

- ▶ Ground water withdrawals are in excess of recharge;
- ▶ Excessive ground water withdrawals are very likely to occur in the near future because of consistent and significant increases in withdrawal from within the ground water area;
- ▶ Significant disputes regarding priority of rights, amounts of ground water in use by appropriators, or priority of type of use are in progress;
- ▶ Ground water levels or pressures in the area are declining or have declined excessively;
- ▶ That excessive ground water withdrawals would cause contaminant migration;
- ▶ That ground water withdrawals adversely affecting ground water quality are occurring or are likely to occur; or
- ▶ That water quality within the ground water area is not suited for a specific beneficial use defined by 85-2-102(2)(a).

The issue to be heard is whether the Department shall by order declare the area in question to be a controlled ground water area if it finds on the basis of the hearing that the following circumstances exist in the petition area (MCA § 85-2-507):

- (a) The public health, safety, or welfare requires corrective control; **and**
- (b) (i) there is a wasteful use of water from existing wells, or undue interference with existing wells;  
(ii) any proposed use or well will impair or substantially interfere with existing rights to appropriate surface or groundwater by others; or  
(iii) the facts alleged in the petition, as required by 85-2-506(2) are true.

The petitioners bases for the controlled ground water area request are: A) Ground water withdrawals are in excess of recharge to the aquifer or aquifers within the area; B) that excessive ground water withdrawals are very likely to occur in the near future because of significant increases in withdrawals from within the ground water area; C) that significant disputes regarding priority of rights, amounts of ground water in use by appropriators, or priority of type of use are in progress within the ground water area; and D) that ground water levels or pressures in the area in question are declining or have declined excessively.

At this hearing, all interested persons may present evidence or testimony in person, by attorney or other witness, in support of or opposition to the granting of the petition and may be fully heard. The hearing will be held in two parts to best accommodate public participation. The hearing for **Limited Parties** will start at 5:30 p.m. on April 16, 2007 and the hearing for **Full Parties** will start at 8:30 a.m. on April 17, 2007. **To participate as a Full Party in this proceeding you must file a Notice of Appearance with the Hearing Examiner by October 10, 2006.** This form is available on the Internet at <http://dnrc.mt.gov/wrd/default.asp>.

Please see the Notice of Hearing Procedures for a discussion of Full and Limited Parties. The petition file, which includes supporting documentation, the environmental

assessment, Notice of Hearing Procedures, and a Notice of Appearance form may be viewed at the Department of Natural Resources and Conservation, Water Resources Division, Water Rights Bureau, Hearings Unit, 1424 9th Avenue, Helena, MT. Questions concerning this matter should be directed to Kim Overcast at 406-444-6614.

The Department makes reasonable accommodation for any disability that may interfere with an individual's ability to attend this hearing. For consideration of any such accommodation, please contact Kim Overcast at 406-444-6614 (TTD number 406-444-6873) by October 10, 2006.

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